

LAW OFFICES

GULLETT, SANFORD, ROBINSON & MARTIN, PLLC

230 FOURTH AVENUE, NORTH, 3RD FLOOR
POST OFFICE BOX 198888
NASHVILLE, TENNESSEE 37219-8888

TELEPHONE (615) 244-4994
FACSIMILE (615) 256-6339

GARETH S. ADEN
LAWRENCE R. AHERN III
G. RHEA BUCY
GEORGE V. CRAWFORD, JR.
GEORGE V. CRAWFORD III
A. SCOTT DERRICK
THOMAS H. FORRESTER
M. TAYLOR HARRIS, JR.
DAN HASKELL
LINDA W. KNIGHT
JOEL M. LEEMAN
ALLEN D. LENTZ
JOSEPH MARTIN, JR.
JEFFREY MOBLEY

KATHRYN H. PENNINGTON
WM. ROBERT POPE, JR.
WAYNE L. ROBBINS, JR.
JACK W. ROBINSON, JR.
JACK W. ROBINSON, SR.
VALERIUS SANFORD
MARTY S. TURNER
WESLEY D. TURNER
PHILLIP W. WELTY
JOHN D. LENTZ
OF COUNSEL
B. B. GULLETT
1905-1992

January 4, 2000

VIA HAND DELIVERY

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37201

In Re: *AT&T Communications of the South Central States, Inc.*
Tariff to Implement an Intrastate Directory Assistance Charge

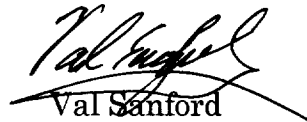
Docket No. 99-00757

Dear Mr. Waddell:

Enclosed for filing are the original and thirteen copies of the Response of AT&T Communications of the South Central States, Inc. to the Reply of Consumer Advocate Division Concerning Consumer Advocate Division's Petition for Information

A copy is being served on the Consumer Advocate Division.

Yours very truly,


Val Sanford

VS/ghc
Enclosures

cc: Vance Broemel, Esq.
James P. Lamoureux, Esq.
Garry Sharp

FILE

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

00 JAN 4 PM 1 21

IN RE: *AT&T Communications of the South Central States, Inc.
Tariff to Implement an Intrastate Directory Assistance
Charge*

Docket No. 99-00757

RESPONSE OF AT&T COMMUNICATIONS OF THE SOUTH
CENTRAL STATES, INC. TO REPLY OF CONSUMER
ADVOCATE DIVISION CONCERNING CONSUMER ADVOCATE
DIVISION'S PETITION FOR INFORMATION

AT&T Communications of the South Central States, Inc. ("AT&T") files this Response to the Consumer Advocate Division's ("CAD") Reply concerning the CAD's Petition for Information in order to set the record straight. The CAD's Petition for Information is based on misstating the law and ignoring the facts.

First, AT&T's Directory Assistance Tariff is filed pursuant to, and is governed by, Rule 1220-4-2-.55(2), the regulatory reform rule for IXC's. Under that rule there are two categories of IXC services; (1) Direct Distance Dialing ("DDD"), and (2) all other services. DDD services are subject to price cap regulation and as to such services rates are just and reasonable which comply with the rules. In adopting the regulatory reform rule, the TPSC decided that the "all other services" was competitive, and that the competitive market, rather than regulatory procedures, would determine the justness and reasonableness of rates for those services.

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Directory Assistance service is within the “all other services” category. The CAD does not, and indeed cannot, dispute the fact that the market for interLATA directory assistance services in Tennessee is competitive. Numerous carriers, and others, offer such services at varying prices. The competitive market, and not regulatory procedure, determines the justness and reasonableness of such prices.

The CAD bases its Petition for Information, not on the governing rule, or any other governing law, but rather on the CAD’s own undefined construction of just and reasonable. The CAD does not seek information relevant to the presence of competition, or to any other known standard, but rather seeks information having nothing to do with any issue properly before the TRA in this or in any other proceeding.

Second, since the information sought by the CAD is not relevant to any issue properly before the TRA, either as to this tariff or otherwise, the CAD has no legitimate purpose for seeking this information. Indeed, it is evident from the breadth of the information sought and the CAD’s repeated threat to institute a proceeding to “assure that all AT&T rates are just and reasonable,” that the CAD’s purpose here is simply to harass AT&T.

Due process requires that the CAD have a legitimate purpose for the information it seeks and that its request be reasonably related to that purpose. Here it has no such legitimate purpose. Its request is far beyond the bounds of reason.

Third, as discussed in AT&T’s initial brief, the CAD has not complied with the requirements of the statute governing its powers. The principles stated in State ex rel Shriver v. Leech, 612 S.W.2d 454 (Tenn. 1981) and State Department of Revenue v. Moore, 722 S.W.2d 367, 373 (Tenn. 1986) apply.

The CAD's Petition for Information should be denied.



Val Sanford, #3316
GULLETT, SANFORD, ROBINSON & MARTIN, PLLC
230 Fourth Avenue North, 3rd Floor
P.O. Box 198888
Nashville, TN 37219-8888
(615) 244-4994

James P. Lamoureux, Esq.
AT&T
Room 4068
1200 Peachtree Street N.E.
Atlanta, GA 30309
(404) 810-4196
Attorneys for AT&T Communications of the
South Central States, Inc.

CERTIFICATE OF SERVICE

I, Val Sanford, hereby certify that a copy of the foregoing Response of AT&T Communications of the South Central States, Inc. to the Reply of Consumer Advocate Division Concerning Consumer Advocate Division's Petition for Information was served on the following via Hand-Delivery, this 4th day of January, 2000.



Val Sanford

Vance L. Broemel
Assistant Attorney General
Consumer Advocate Division
425 5th Avenue, North
Nashville, TN 37243